

Appendix A

Virginia Energy Plan Advisory Group Members

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Conveners:

- The Honorable L. Preston Bryant, Jr., Secretary of Natural Resources
- The Honorable Patrick O. Gottschalk, Secretary of Commerce and Trade

Members:

- Robert M. Blue, Vice President, State and Federal Affairs, Dominion Virginia Power
- J. Lynwood Butner, Vice President, Easter Associates, representing the Virginia Propane Gas Association
- R. Daniel Carson, Jr., Vice President, Appalachian Power
- Al Christopher, Executive Director, Virginia Clean Cities. Also representing the Virginia Hydrogen Roundtable
- Diana Dascalu-Joffe, Senior Campaign Director, Chesapeake Climate Action Network
- Suzette Denslow, Deputy Director, Virginia Municipal League
- Theo DeWolff, Managing Director, PPM Atlantic Renewable
- Judy Dunscomb, Senior Conservation Scientist, The Nature Conservancy
- Mike Edwards, Deputy Director for Legislative Affairs, Virginia Association of Counties
- Amy Hewett, Director of Government Affairs and Public Relations, Virginia Chamber of Commerce
- Dan Holmes, Special Projects Coordinator, Piedmont Environmental Council
- W. Thomas Hudson, President, Virginia Coal Association
- Jim Kibler, Vice President, Governmental Relations, Virginia Natural Gas/AGL Resources. Also representing the Virginia Oil and Gas Association
- Mitchel A. King, Old Mill Power and Virginia Representative, Board of Directors, MDV Solar Energy Industries Association
- Matt LaRocque, Manager, Legislative and Regulatory Affairs, Southern Region, PJM Interconnection
- Dale Lee, Vice President, RGC Resources/Roanoke Gas
- Irene E. Leech, President, Virginia Citizens Consumer Council
- W. Scott McGeary, Area Manager, Public Affairs, Washington Gas
- Linda McMinimy, Executive Director, Virginia Transit Association
- Louis R. Monacell, Christian & Barton, representing the Virginia/Old Dominion Committees on Fair Utility Rates
- Hugh E. Montgomery, Jr., Executive Director, Institute for Defense and Homeland Security, representing the Center for Innovative Technology
- David Muchow, President and CEO, SkyBuilt Power
- Michael J. O'Connor, President, Virginia Petroleum Convenience and Grocery Association
- Annette Osso, Executive Director, Virginia Sustainable Building Network
- Michael J. Quillen, President and CEO, Alpha Natural Resources
- Susan Rubin, Assistant Vice President, Government Affairs, Old Dominion Electric Cooperative
- Andrew W. Smith, Senior Assistant Director of Governmental Relations, Virginia Farm Bureau
- Mary E. Spruill, State Programs Director, National Energy Education Development (NEED)

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- Mike Town, Director, Virginia Chapter, Sierra Club
- Mark Tubbs, Director of Regulatory and Governmental Policy, Columbia Gas of Virginia
- Brett Vassey, President, Virginia Manufacturing Association
- August Wallmeyer, Executive Director, Virginia Independent Power Producers, Inc. and Virginia Energy Providers Association
- Michael D. Ward, Executive Director, Virginia Petroleum Council
- Aldie Warnock, Vice President, External Affairs, Alleghany Power
- Billy Weitzenfeld, Executive Director, Virginia Association of Energy Conservation Professionals

Appendix B

Code of Virginia Language

Appendix B

Code of Virginia Language Establishing The Virginia Energy Plan

Chapter 1

Energy Policy of the Commonwealth

§ 67-100. Legislative findings.

The General Assembly hereby finds that:

1. Energy is essential to the health, safety, and welfare of the people of this Commonwealth and to the Commonwealth's economy;
2. The state government should facilitate the availability and delivery of reliable and adequate supplies of energy to industrial, commercial, and residential users at reasonable costs such that these users and the Commonwealth's economy are able to be productive; and
3. The Commonwealth would benefit from articulating clear objectives pertaining to energy issues, adopting an energy policy that advances these objectives, and establishing a procedure for measuring the implementation of these policies.

§ 67-101. Energy objectives.

The Commonwealth recognizes each of the following objectives pertaining to energy issues will advance the health, welfare, and safety of the residents of the Commonwealth:

1. Ensuring the availability of reliable energy at costs that are reasonable and in quantities that will support the Commonwealth's economy;
2. Managing the rate of consumption of existing energy resources in relation to economic growth;
3. Establishing sufficient supply and delivery infrastructure to maintain reliable energy availability in the event of a disruption occurring to a portion of the Commonwealth's energy matrix;
4. Using energy resources more efficiently;
5. Facilitating conservation;
6. Optimizing intrastate and interstate use of energy supply and delivery to maximize energy availability, reliability, and price opportunities to the benefit of all user classes and the Commonwealth's economy as stated in subdivision 2 of § 67-100;
7. Increasing Virginia's reliance on sources of energy that, compared to traditional energy resources, are less polluting of the Commonwealth's air and waters;
8. Researching the efficacy, cost, and benefits of reducing, avoiding, or sequestering the emissions of greenhouse gases produced in connection with the generation of energy;
9. Removing impediments to the use of abundant low-cost energy resources located within and outside the Commonwealth and ensuring the economic viability of the producers, especially those in the Commonwealth, of such resources;
10. Developing energy resources and facilities in a manner that does not impose a disproportionate adverse impact on economically disadvantaged or minority communities;
11. Recognizing the need to foster those economically developable alternative sources of energy that can be provided at market prices as vital components of a diversified portfolio of energy resources; and
12. Increasing Virginia's reliance on biodiesel and ethanol produced from corn, soybeans,

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hulless barley, and other suitable crops grown in the Commonwealth that will create jobs and income, produce clean-burning fuels that will help to improve air quality, and provide the new markets for Virginia's agricultural products needed to preserve farm employment, conserve farmland, and help pay for agricultural best management practices to protect water quality.

Nothing in this section shall be deemed to abrogate or modify in any way the provisions of the Virginia Electric Utility Restructuring Act (§ 56-576 et seq.).

§ 67-102. Commonwealth Energy Policy.

- A. To achieve the objectives enumerated in § 67-101, it shall be the policy of the Commonwealth to:
1. Support research and development of, and promote the use of, renewable energy sources;
 2. Ensure that the combination of energy supplies and energy-saving systems are sufficient to support the demands of economic growth;
 3. Promote research and development of clean coal technologies, including but not limited to integrated gasification combined cycle systems;
 4. Promote cost-effective conservation of energy and fuel supplies;
 5. Ensure the availability of affordable natural gas throughout the Commonwealth by expanding Virginia's natural gas distribution and transmission pipeline infrastructure; developing coalbed methane gas resources and methane hydrate resources; encouraging the productive use of landfill gas; and siting one or more liquefied natural gas terminals;
 6. Promote the generation of electricity through technologies that do not contribute to greenhouse gases and global warming;
 7. Facilitate the development of new, and the expansion of existing, petroleum refining facilities within the Commonwealth;
 8. Promote the use of motor vehicles that utilize alternate fuels and are highly energy efficient;
 9. Support efforts to reduce the demand for imported petroleum by developing alternative technologies, including but not limited to the production of synthetic and hydrogen-based fuels, and the infrastructure required for the widespread implementation of such technologies;
 10. Promote the use of biodiesel and ethanol produced from agricultural crops grown in the Commonwealth;
 11. Ensure that development of new, or expansion of existing, energy resources or facilities does not have a disproportionate adverse impact on economically disadvantaged or minority communities; and
 12. Ensure that energy generation and delivery systems that may be approved for development in the Commonwealth, including liquefied natural gas and related delivery and storage systems, should be located so as to minimize impacts to pristine natural areas and other significant onshore natural resources, and as near to compatible development as possible.
- B. The elements of the policy set forth in subsection A shall be referred to collectively in this title as the Commonwealth Energy Policy.
- C. All agencies and political subdivisions of the Commonwealth, in taking discretionary action with regard to energy issues, shall recognize the elements of the Commonwealth Energy Policy and where appropriate, shall act in a manner consistent therewith.

- D.** The Commonwealth Energy Policy is intended to provide guidance to the agencies and political subdivisions of the Commonwealth in taking discretionary action with regard to energy issues, and shall not be construed to amend, repeal, or override any contrary provision of applicable law. The failure or refusal of any person to recognize the elements of the Commonwealth Energy Policy, to act in a manner consistent with the Commonwealth Energy Policy, or to take any other action whatsoever, shall not create any right, action, or cause of action or provide standing for any person to challenge the action of the Commonwealth or any of its agencies or political subdivisions.

Chapter 2

Virginia Energy Plan

§ 67-200. Definitions.

As used in this title:

"Division" means the Division of Energy of the Department of Mines, Minerals and Energy.

"Plan" means the Virginia Energy Plan prepared pursuant to this chapter, including any updates thereto.

§ 67-201. Development of the Virginia Energy Plan.

- A.** The Division, in consultation with the State Corporation Commission, the Department of Environmental Quality, and the Center for Coal and Energy Research, shall prepare a comprehensive Virginia Energy Plan covering a 10-year period. The Plan shall propose actions, consistent with the objectives enumerated in § 67-101, that will implement the Commonwealth Energy Policy set forth in § 67-102.
- B.** In addition, the Plan shall include:
1. Projections of energy consumption in the Commonwealth, including but not limited to the use of fuel sources and costs of electricity, natural gas, gasoline, coal, renewable resources, and other forms of energy resources used in the Commonwealth;
 2. An analysis of the adequacy of electricity generation, transmission, and distribution resources in the Commonwealth for the natural gas and electric industries, and how regional generation, transmission, and distribution resources affect the Commonwealth;
 3. An analysis of siting requirements for electric generation resources and natural gas and electric transmission and distribution resources;
 4. An analysis of fuel diversity for electricity generation, recognizing the importance of flexibility in meeting future capacity needs;
 5. An analysis of the efficient use of energy resources and conservation initiatives;
 6. An analysis of how these Virginia-specific issues relate to regional initiatives to assure the adequacy of fuel production, generation, transmission, and distribution assets;
 7. An analysis of siting of energy resource development, refining or transmission facilities to identify any disproportionate adverse impact of such activities on economically disadvantaged or minority communities; and
 8. Recommendations, based on the analyses completed under subdivisions 1 through 7, for legislative, regulatory, and other public and private actions to implement the elements of the Commonwealth Energy Policy.

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- C. In preparing the Plan, the Division and other agencies involved in the planning process shall utilize state geographic information systems, to the extent deemed practicable, to assess how recommendations in the plan may affect pristine natural areas and other significant onshore natural resources.
- D. In preparing the Plan, the Division and other agencies involved in the planning process shall develop a system for ascribing numerical scores to parcels of real property based on the extent to which the parcels are suitable for the siting of a wind energy facility or solar energy facility. For wind energy facilities, the scoring system shall address the wind velocity, sustained velocity, turbulence, proximity to electric power transmission systems, potential impacts to natural and historic resources and to economically disadvantaged or minority communities, and compatibility with the local land use plan. For solar energy facilities, the scoring system shall address the parcel's proximity to electric power transmission lines, potential impacts of such a facility to natural and historic resources and to economically disadvantaged or minority communities, and compatibility with the local land use plan. The system developed pursuant to this section shall allow the suitability of the parcel for the siting of a wind energy facility or solar energy facility to be compared to the suitability of other parcels so scored, and shall be based on a scale that allows the suitability of the parcel for the siting of a such an energy facility to be measured against the hypothetical score of an ideal location for such a facility.
- E. After July 1, 2007, upon receipt by the Division of a recommendation from the Department of General Services, a local governing body, or the parcel's owner that a parcel of real property is a potentially suitable location for a wind energy facility or solar energy facility, the Division shall analyze the suitability of the parcel for the location of such a facility. In conducting its analysis, the Division shall ascribe a numerical score to the parcel using the scoring system developed pursuant to subsection D.

§ 67-202. Schedule.

- A. The Division shall complete the Plan by July 1, 2007.
- B. Prior to completion of the Plan, the Division shall present drafts to, and consult with, the Coal and Energy Commission and the Commission on Electric Utility Restructuring.
- C. The Plan shall be updated by the Division no less frequently than every five years.

§ 67-203. Submission of Plan.

Upon completion, the Division shall submit the Plan, including periodic updates thereto, to the Governor, the Commissioners of the State Corporation Commission, and the General Assembly. The Plan shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents. The Plan's executive summary shall be posted on the General Assembly's website.